HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE **C**ITY OF **N**EW **Y**ORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MARTHA NIMMER
Assistant Corporation Counsel
Cell: (917) 499-8632

August 16, 2023

<u>VIA ECF</u>
Hon. Paul G. Gardephe
U.S. District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *S.W. v. New York City Dep't of Educ.*, 23-cv-20 (PGG)(SDA)

Dear Judge Gardephe:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.*, as well as for this action.

I write to respectfully request that the August 24, 2023 conference be adjourned to September 25, 2023. Plaintiff consents to this request. This is the fifth request to adjourn the conference. The first request was made on April 5, 2023 and granted on April 7, 2023. The second request was made on May 5, 2023 and granted on May 8, 2023. The third request was made on June 9, 2023 and granted on June 13, 2023. The fourth request was made on July 17, 2023 and granted by Your Honor the same day.

The requested adjournment will permit the parties to engage in settlement discussions now that Defendant has completed its internal review process. The parties are hopeful that they can settle this matter without further burden on the Court's time.

Accordingly, Defendant respectfully requests that the August 24, 2023 conference be adjourned to September 25, 2023.

Thank you for considering this request.
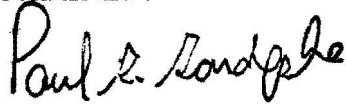
Respectfully submitted,

/s/

Martha Nimmer, Esq.
Special Assistant Corporation Counsel

cc: Kevin Mendillo, Esq. (via ECF)

MEMO ENDORSED: The conference currently scheduled for **August 24, 2023** is adjourned to **October 5, 2023, at 10:45 a.m.**

SO ORDERED.

Paul G. Gardephe
United States District Judge

Dated: August 21, 2023

2